

MESSAGE NO: 2005304 MESSAGE DATE: 01/05/2012

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: SCO-Scope PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: INSCO-In Scope

FR CITE: FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-504

EFFECTIVE DATE: 08/02/2011 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: PETROLEUM WAX CANDLES FROM THE PEOPLES REPUBLIC OF CHINA:
CLARIFIED INTERPRETATION OF THE SCOPE OF THE ORDER (A-570-504)

1. ON 8/02/2011, COMMERCE PUBLISHED IN THE FEDERAL REGISTER (76 FR 46277) ITS CLARIFIED INTERPRETATION OF THE SCOPE OF THE ANTIDUMPING DUTY ORDER ON PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA.
2. THE PRODUCTS COVERED BY THE ORDER ARE CERTAIN SCENTED OR UNSCENTED PETROLEUM WAX CANDLES MADE FROM PETROLEUM WAX AND HAVING FIBER OR PAPER-CORED WICKS. THEY ARE SOLD IN THE FOLLOWING SHAPES: TAPERS, SPIRALS AND STRAIGHT-SIDED DINNER CANDLES; ROUNDS, COLUMNS, PILLARS, VOTIVES; AND VARIOUS WAX-FILLED CONTAINERS. THE PRODUCTS WERE ORIGINALLY CLASSIFIABLE UNDER THE TARIFF SCHEDULES OF THE UNITED STATES ITEM 755.25, CANDLES AND TAPERS. THE PRODUCTS ARE CURRENTLY CLASSIFIABLE UNDER THE HARMONIZED TARIFF SCHEDULE ("HTS") ITEM NUMBER 3406.00.00. THE HTS ITEM NUMBER IS PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES. THE WRITTEN DESCRIPTION REMAINS DISPOSITIVE.
3. COMMERCE PREVIOUSLY INTERPRETED THE SCOPE OF THE ANTIDUMPING DUTY ORDER OF PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA AS EXCLUDING HOLIDAY/RELIGIOUS/SPECIAL OCCASION-THEMED CANDLES AND CANDLES IN THE SHAPES OF IDENTIFIABLE OBJECTS.
4. EFFECTIVE 8/02/2011, BECAUSE OF HUNDREDS OF SCOPE INQUIRIES OVER THE COURSE OF MORE THAN TWO DECADES, COMMERCE NOW INTERPRETS THE SCOPE OF THE ORDER AS FOLLOWS: ALL PETROLEUM WAX CANDLES (REGARDLESS OF HOLIDAY/RELIGIOUS/SPECIAL-OCCASION-THEME) ARE INCLUDED WITHIN THE SCOPE OF THE ORDER, WITH THE EXCEPTION OF THREE PETROLEUM WAX CANDLE TYPES: BIRTHDAY (AND BIRTHDAY NUMERAL) CANDLES, UTILITY CANDLES, AND FIGURINE CANDLES.

BIRTHDAY CANDLES ARE TYPICALLY SMALL, THIN, PILLAR-SHAPED CANDLES THAT

RANGE FROM 2 INCHES TO 3.5 INCHES IN HEIGHT, 0.18 INCH TO 0.25 INCH IN WIDTH, AND PACKAGED IN QUANTITIES OF 10 TO 24. BIRTHDAY NUMERAL CANDLES ARE THOSE THAT ARE IN THE SHAPE OF NUMBERS AND TYPICALLY RANGE FROM 2 TO 4 INCHES IN HEIGHT.

UTILITY CANDLES (ALSO KNOWN AS "HOUSEHOLD," "EMERGENCY," OR "HOUSEHOLD EMERGENCY" CANDLES) ARE TYPICALLY WHITE IN COLOR, 5 INCHES LONG, 0.75 INCH IN DIAMETER, AND PACKAGED IN QUANTITIES OF TWO OR MORE.

FIGURINE CANDLES ARE THOSE THAT ARE IN THE SHAPE OF A HUMAN, ANIMAL, OR DEITY.

5. THE CLARIFIED SCOPE INTERPRETATION SUPERCEDES ALL PRIOR SCOPE RULINGS THAT CONFLICT WITH IT. EFFECTIVE 8/2/2011, CBP IS INSTRUCTED TO COLLECT CASH DEPOSITS AND SUSPEND LIQUIDATION OF ENTRIES OF PETROLEUM WAX CANDLES FROM THE PEOPLE'S REPUBLIC OF CHINA, INCLUDING HOLIDAY/RELIGIOUS/SPECIAL OCCASION-THEMED CANDLES THAT DO NOT OTHERWISE MEET THE BIRTHDAY CANDLE, UTILITY CANDLE OR FIGURINE CANDLE EXCLUSIONS DESCRIBED IN PARAGRAPH 4.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY 09:TL).

7. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party